

JEFFERSON COUNTY COMMISSIONERS  
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
March 18, 2008**

**Present:** Commissioners Lythgoe and Weber; Matt Johnson, County Attorney; Harold Stepper and Mike Hoffman, County Planners; Ray Barnicoat, Jenifer Owens

**Absent:** Commissioner Notbohm

**MINUTES**

Commissioner Weber moved to adopt the minutes of March 4. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to adopt the minutes of March 11. Commissioner Lythgoe seconded. The motion carried.

**CALENDAR REVIEW**

3/19 Elkhorn Mine meeting - 10:00  
JLDC - Whitehall - 2:00  
3/21 South-end metal mines grants review - 9:00  
3/24 Center for Mental Health - Great Falls - 10:00

**COMMISSION REPORTS**

**SCHMAUS LAWSUIT MEDIATION**

Commissioner Weber reported that he and Matt Johnson, County Attorney, met in Helena for mediation regarding the Schmaus lawsuit. They spent most of the day there and were unsuccessful in mediation. This will have to go to court.

**LIBRARY BOARD MEETING**

Commissioner Weber reported Library Board met and appointed members for the north end

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library needs subcommittee. They had some great applicants.

#### MULTI-COUNTY PLANNING MEETING

Commissioner Weber reported that he and Commissioner Lythgoe attended a meeting in Sheridan that consisted of Commissioners from Gallatin, Madison, Jefferson, Beaverhead, and Granite Counties, as well as planners and city personnel; a whole spectrum of people who are dealing with planning as it relates to the growth we are all experiencing. He stated that it was a good sharing of information and ideas; Jefferson County will be the next host of that meeting.

#### ENVIRONOMICS

Commissioner Weber reported that he met with Environomics the previous day regarding developing comments to the Forest Service for us. He will be writing a letter to request an extension of the comment period, as the documents are quite lengthy and detailed.

#### SURVEY COMMITTEE

Commissioner Lythgoe stated that the survey committee meets every Thursday. Last Thursday, they invited some extra people to discuss addressing in the county. It was decided that addressing will be done by Melissa, as it relates to surveys, family transfers, boundary relocations and also subdivisions. Also, Melissa is looking at language to develop a resolution regarding incorrect physical addresses in the county, which presents a significant problem with emergency services. They will be attempting to change some addressing. They know that it won't be popular, but if places are incorrectly addressed, we will require that the addresses be changed.

#### BRIDGE MEETING

Commissioner Lythgoe reported on a meeting with Madison and Gallatin counties, Montana Department of Transportation and the Montana Highway Patrol at the Williams bridge and Sappington Junction bridge. In past years, there has been a real problem with kids jumping off of the bridges, causing injuries. It is also a traffic hazard. Jefferson County is going to enter into a joint resolution with Madison and Gallatin counties. All of the county attorneys will review the resolution, and hopefully there will be something in place by the end of May. Commissioner Weber asked if the state will be involved, as one of the bridges is on a state highway. Commissioner Lythgoe stated that the state has been very involved in defining where they will allow parking, and there will be some new signage. He stated that it was quite a lengthy discussion.

#### SUBDIVISION REVIEW

##### FINAL PLAT APPROVAL - TRACT B MINOR SUBDIVISION

Mike Hoffman, County Planner, presented a letter from Cord and Judy Kuntz regarding the subdivision. He noted that the letter is public information, and the Planning Department would

be compelled to provide the document if asked. Commissioner Weber asked if this should be read into the record. Matt stated that he had no problem with the letter being read, but the Commission cannot consider the information in making their decision, and new information needs to come before preliminary plat. Commissioner Weber read the letter (on file in the Clerk and Recorder's office). Also presented was a copy of the notice of Lis Pendens, recorded in District Court.

Mike presented his staff report and a subdivision improvement agreement on this minor subdivision. The improvement agreement stipulates construction and installation of an approach into tracts one and two, which covers conditions of approval 7 and 13. The improvements are to be completed on or before March 18, 2009. A cash bond in the amount of \$3,594.00 will be provided. Commissioner Weber stated that they must not have a lot of road work to do. Mike stated that this is correct, just the approach and a culvert. He has been informed by the contractor that the project should be able to be completed in seven days.

Mike then presented his staff report, and stated that this is a four lot minor subdivision southwest of Whitehall. The parcel contains 169.01 acres, proposed to be divided into four lots ranging in size from 24.92 to 73.03 acres. Mike stated that all of the conditions of approval have been met, with the exception of item 7, installation of the approach and item 13, a provision that the County could enter into a subdivision improvement agreement.

Mike noted that condition of approval 17, which was added on the recommendation of the Planning Board at the time of preliminary plat approval, has also been met. Mike recommended that final plat approval be granted.

Commissioner Weber asked about condition of approval three, the noxious weed plan. It does not specify that the plan has been approved by the Weed Department. Mike stated that he has a memo from the Weed Department, stating their approval. Commissioner Weber asked that this be added.

Commissioner Weber asked Matt why they could not consider the new information; is that because it is out of the purview of the Commission. Matt stated that this is correct.

Commissioner Weber moved to grant final plat approval, with the subdivision improvement agreement in place. Commissioner Lythgoe seconded. The motion carried.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **DISCUSS AND DECIDE ON NAHN REQUEST FOR SHORT-TERM LOAN FOR WHITEHALL HOUSING PROJECT**

This item has been moved to the March 25<sup>th</sup> agenda.

### **DISCUSS AND DECIDE ON MAINTENANCE BUDGET TRANSFER REQUEST**

Commissioner Weber stated that Clerk and Recorder received a budget transfer request from the Facilities Manager. However, as it is in the salary line items, it needs to come before the

Commission. Commissioner Lythgoe moved to approve the transfer. Commissioner Weber seconded. The motion carried.

#### AMEND RESOLUTION 05-2008 A RESOLUTION TO PLACE PUBLIC HEALTH MILLS ON THE JUNE BALLOT

Ray Barnicoat, Health Board Chair, stated that since the last time he was here, he has met with one of the school boards regarding the possibility to provide nursing services to the schools. Up to this point, the Health Department has attempted to help the schools, but with the size of their staff, it was ineffective. Both were looking for something more permanent. He has suggested that the Health Board hire a nurse to be dedicated to the schools, with the thought that the school district would help pay through a professional services contract with the Health Board. He then heard that they would probably be laying off staff this year, due to budgetary constraints. It was suggested that the County hire a nurse to be dedicated to the schools. Discussion with the Health Board proved that they felt that this is a viable option and a needed service. This would provide the ability to reach a lot of children in the county to provide preventative care, provide education, etc. That took them back to the table to decide how to fund this. They decided that timing is perfect, as it is time to renew mill. Because of the added staff, the Health Board decided to change from 7 mills to 10 mills.

Commissioner Weber stated that the concept of having a nurse dedicated to the schools does not seem to be enunciated in the resolution. Matt stated that he thought it had been included, if it is not there, it poses a problem. Commissioner Lythgoe stated that the resolution and ballot language should also stipulate where the nurse will be. Ray stated that she will be available to all schools in the county. Commissioner Lythgoe stated that each of the schools should be named. Commissioner Weber asked if they could adopt the resolution and then amend the language. Matt stated that this would be allowable. Commissioner Lythgoe stated that we probably need to continue this Commission meeting. After checking with Bonnie, the resolution and ballot language needs to be to the Clerk and Recorder Thursday by 5:00.

Commissioner Lythgoe moved that they continue this Commission meeting until tomorrow morning at 9:00 a.m. and at that meeting Matt will have prepared a resolution with the proper language. Matt stated that he could go add the language to the resolution right now, while the Commission continues on with the meeting. The motion died for lack of a second.

#### TSEP PROJECT

Commissioner Weber reported that the Commission met with Jeremiah Theys of Great West earlier in the day. They received a letter from the Jefferson Canal Company, and they would like to see Hanson Lane #3 bridge rather than Hanson Lane #1 bridge replaced. They discussed this, and came to the conclusion that it would not hurt our chances to do both. The reason the canal company would like to see the #3 bridge replaced is because the bridge consists of two parts, and the middle has settled and is hindering the flow of water. The road crew has laid a metal plate across the top so that the road surface is level, but we are impeding the water, which is prohibited in Montana Code.

*Commissioner Weber called a 10 minute recess to allow Matt to amend the Health Board resolution and return it to the Commission.*

Commissioner Weber called the meeting back to order. Matt presented the amended resolution, with the school nurse language added. The resolution was presented as follows:

## **RESOLUTION 05-2008 AMENDED**

### **RESOLUTION TO PLACE A HEALTH BOARD LEVY ON THE JUNE BALLOT**

**WHEREAS**, §50-2-114, MCA permits that if the general fund of the county is not sufficient to meet the health board budget, a levy may be made on the taxable value of all taxable property in the county for support of the health board; and,

**WHEREAS**, the Jefferson County Health Board has requested that the governing body of Jefferson County place a health board mill on the June 2008 primary election ballot to maintain the mill levy at ten (10) mills, based on the estimated worth of one mill being \$21,712.00. The ten (10) mills totaling \$127,120.00 would be used for maintaining public health services for Jefferson County as follows:

1. Provide for two (2) full-time RN (one public health nurse and one health nurse for the Jefferson County public schools), one (1) half-time RN, one (1) full-time clerk, one (1) Sanitarian, and to provide public health services throughout Jefferson County,
2. The staff provided by this mill would provide public health services as required by statute for communicable disease control, prevention, investigation, follow-up, and intervention depending upon the nature of the disease, as well as control of population based diseases such as childhood preventable illnesses, tuberculosis, hepatitis B, and West Nile virus,
3. The staff provided by this mill would also work with the sanitarian on environmental issues, as well as with bioterrorism leaders for anthrax and other biological threats,
4. One health nurse provided by this mill would work within the Basin, Boulder, Cardwell, Clancy, Montana City and Whitehall Elementary Schools and the Jefferson and Whitehall High Schools to provide health nurse functions for each school.
5. Capital outlay for the purchase of equipment and/or adequate vehicles for

transportation, and

6. Provide for general operations and maintenance for the Health Department.

**WHEREAS**, statute provides for a non-durational limit on a levy and the governing body of Jefferson County wishes for the proposed mill levy of ten (10) mills to sunset after four years.

**NOW, THEREFORE, BE IT RESOLVED:**

The Board of County Commissioners of Jefferson County, pursuant to §50-2-114, MCA hereby declare a financial need to maintain ten (10) mills for the Jefferson County Health Board and will place before the qualified electors the question as follows:

**HEALTH BOARD BALLOT**

The proposed ballot measure would maintain tax liability for the 2008 tax year and for three additional tax years thereafter, in the amount of ten (10) mills so as to generate \$217,120.00 per year for the use of by the Jefferson County Public Health Board during the Fiscal Year 2008 and for three fiscal years thereafter for the following:

(a) Provide for two (2) full-time RN (one public health nurse and one health nurse for the Jefferson County public schools), one (1) half-time RN, one (1) full-time clerk, and one (1) Sanitarian to provide public health services throughout Jefferson County,

(b) Staff provided by this mill would provide public health services as required by statute for communicable disease control, prevention, investigation, follow-up, and intervention depending upon the nature of the disease, as well as control of population based diseases such as childhood preventable illnesses, tuberculosis, hepatitis B, and West Nile virus,

(c) One health nurse provided by this mill would work within the Basin, Boulder, Cardwell, Clancy, Montana City and Whitehall Elementary Schools and the Jefferson and Whitehall High Schools to provide health nurse functions for each school.

(d) The staff provided by the mill would also work with the Sanitarian on environmental issues, as well as with bioterrorism leader for anthrax and biological threats,

(e) Capital outlay for the purchase of equipment and/or adequate vehicles for transportation, and

(f) Provide for general operations and maintenance for the Health Department.

The tax impact of the election of ten (10) mills on a residence with a market value of \$50,000 would be approximately \$9.93; on a residence with a market value of \$100,000 would be approximately \$19.87; on a residence with a market value of \$200,000 would be approximately \$39.73.

☐ FOR authorizing to maintain ten (10) mills for the Jefferson County Health Board for an additional four years;

☐ AGAINST authorizing to maintain ten (10) mills for the Jefferson County Health Board for an additional four year.

**DATED** this 18<sup>th</sup> day of March, 2008.

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**

Commissioner Weber moved to adopt the resolution as amended. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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